



Adopted in House Comm. on Mar 14, 2007

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LRB095 08441 LCT 33541 a

1 AMENDMENT TO HOUSE BILL 1146

2 AMENDMENT NO. _____. Amend House Bill 1146 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The General Not For Profit Corporation Act of
5 1986 is amended by changing Section 108.70 as follows:

6 (805 ILCS 105/108.70) (from Ch. 32, par. 108.70)

7 Sec. 108.70. Limited Liability of directors, officers, and
8 board members, and persons who serve without compensation.

9 (a) No director or officer serving without compensation,
10 other than reimbursement for actual expenses, of a corporation
11 organized under this Act or any predecessor Act and exempt, or
12 qualified for exemption, from taxation pursuant to Section
13 501(c) of the Internal Revenue Code of 1986, as amended, shall
14 be liable, and no cause of action may be brought, for damages
15 resulting from the exercise of judgment or discretion in
16 connection with the duties or responsibilities of such director

1 or officer unless the act or omission involved willful or
2 wanton conduct.

3 (b) No director of a corporation organized under this Act
4 or any predecessor Act for the purposes identified in items
5 (14), (19), (21) and (22) of subsection (a) of Section 103.05
6 of this Act, and exempt or qualified for exemption from
7 taxation pursuant to Section 501(c) of the Internal Revenue
8 Code of 1986, as amended, shall be liable, and no cause of
9 action may be brought for damages resulting from the exercise
10 of judgment or discretion in connection with the duties or
11 responsibilities of such director, unless: (1) such director
12 earns in excess of \$5,000 per year from his duties as director,
13 other than reimbursement for actual expenses; or (2) the act or
14 omission involved willful or wanton conduct.

15 (b-5) Except for willful and wanton conduct, no volunteer
16 board member serving without compensation, other than
17 reimbursement for actual expenses, of a corporation organized
18 under this Act or any predecessor Act and exempt, or qualified
19 for exemption, from taxation pursuant to Section 501(c)(3) of
20 the Internal Revenue Code of 1986, as amended, shall be liable,
21 and no action may be brought, for damages resulting from any
22 action of the executive director concerning the false reporting
23 of or intentional tampering with financial records of the
24 organization, where the actions of the executive director
25 result in legal action.

26 This subsection (b-5) shall not apply to any action taken

1 by the Attorney General (i) in the exercise of his or her
2 common law or statutory power and duty to protect charitable
3 assets or (ii) in the exercise of his or her authority to
4 enforce the laws of this State that apply to trustees of a
5 charity, as that term is defined in the Charitable Trust Act
6 and the Solicitation for Charity Act.

7 (c) No person who, without compensation other than
8 reimbursement for actual expenses, renders service to or for a
9 corporation organized under this Act or any predecessor Act and
10 exempt or qualified for exemption from taxation pursuant to
11 Section 501(c)(3) of the Internal Revenue Code of 1986, as
12 amended, shall be liable, and no cause of action may be
13 brought, for damages resulting from an act or omission in
14 rendering such services, unless the act or omission involved
15 willful or wanton conduct.

16 (d) (Blank). ~~As used in this Section "willful or wanton~~
17 ~~conduct" means a course of action which shows an actual or~~
18 ~~deliberate intention to cause harm or which, if not~~
19 ~~intentional, shows an utter indifference to or conscious~~
20 ~~disregard for the safety of others or their property.~~

21 (e) Nothing in this Section is intended to bar any cause of
22 action against the corporation or change the liability of the
23 corporation arising out of an act or omission of any director,
24 officer or person exempt from liability for negligence under
25 this Section.

26 (Source: P.A. 87-832.)".